

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TORAN V. PETERSON,

Plaintiff,

Case No. 1:09-cv-233

v.

Honorable Paul L. Maloney

UNKNOWN FOCO et al.,

Defendants.

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**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. This matter is before the Court upon Plaintiff's motion for reconsideration (docket #18) of the judgment dismissing his case without prejudice for failure to comply with the Court's order for partial service (docket #12), which required Plaintiff to file two (2) copies of the amended complaint and exhibits for service upon Defendants Foco and Daugherty. On October 16, 2009, the Court received Plaintiff's motion for reconsideration, with one amended complaint attached, but the motion was unsigned. The Clerk of the Court subsequently mailed a letter (docket #19) to Plaintiff regarding the necessity of a signature under Rule 11(a) of the Federal Rules of Civil Procedure. On October 29, 2009, Plaintiff filed a signed motion for reconsideration but no attachments.<sup>1</sup>

In his motion, Plaintiff alleges that he made the necessary copies of his amended complaint and mailed them to the Court on July 30, 2009. (Mot. at ¶¶2-3, docket #18.) Plaintiff

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<sup>1</sup>The Clerk of the Court attached Plaintiff's signed motion for reconsideration to his original motion for reconsideration. (Attach. to Mot., docket #18.)

attached his July 30, 2009 Disbursement Authorization for Expedited Legal Mail to his motion. (App. A. to Mot., docket #18.) Plaintiff also states that he “made the necessary copies once again and has sent it to the court with this motion.” (Mot. at 1, docket #18.) This Court has only received one copy of the amended complaint, which was attached to Plaintiff’s original motion for reconsideration. (Attach. 1 to Mot., docket #18.) The Court has never received the copies of the amended complaint that Plaintiff allegedly mailed in July. Further, the Court did not receive two copies of the amended complaint attached to Plaintiff’s motion for reconsideration. (*See id.*) Because Plaintiff has still failed to comply with the order for partial service, the Court will deny Plaintiff’s motion for reconsideration. Therefore:

IT IS ORDERED that Plaintiff’s motion for reconsideration (docket #18) is DENIED.

Dated: November 12, 2009

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge